

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

IN RE: Jay Christian Dean

Case No.: 18-35976
Chapter: 13
Trustee: Carl M. Bates

RESPONSE TO CREDITOR'S MOTION TO DISMISS

COMES NOW the Debtor(s), Jay Christian Dean, and by his Attorney, Jacqueline W. Critzer, of Bowen Ten Cardani, P.C., and for his response to the Motion to Dismiss state as follows:

1. Movant is the above-named debtor, having filed his Chapter 13 case on November 28, 2018.
2. At the time the debtor filed the voluntary petition commencing this case he included a list of creditors and their addresses, but did not complete and file Schedules A-J, Summary of Schedules, Statement of Financial Affairs, and other required schedules, statements and/or lists, or the Chapter 13 plan and was unable to do so by December 12, 2018, the time within which said statement and schedules and plan must be filed in accordance with Bankruptcy Rule(s) 1007-1 and 3015-2.
3. The debtor, after diligent effort, was unable to obtain all records needed to complete the preparation of the Schedules A-J, Summary of Schedules, Statement of Financial Affairs, and other required schedules, statements and/or lists, and/or the Chapter 13 plan and through counsel filed a Motion to Extend Time to File Schedules, Statements, Lists and the Chapter 13 plan
4. Creditor and former spouse of debtor, Cassandra Dean, through counsel, James Wilson, Esquire, filed an Objection to Debtor's Motion to Extend on December 13, 2018.

5. Debtor completed all schedules, statements, and lists and filed them along with the Chapter 13 Plan on December 19, 2018.
6. On December 19, 2018 Cassandra Dean, by counsel, filed a request for production of debtor's tax returns in accordance with 11 U.S.C. 521(e)(2)(A)(2).
7. On January 4, 2019 Debtor, by counsel, provided an entire copy of his tax return to Jim Wilson, Esquire; counsel for creditor Cassandra Dean.
8. Debtor's counsel mistakenly believed that the time in which to respond to a Request for Production of Documents was 30 days pursuant to Rule 34 of the Federal Rules of Civil Procedure; however Federal Rules of Bankruptcy Procedure 7034 applies to adversary proceedings.
9. Creditor's Motion asserts that Debtor provided no explanation for not providing his tax return as requested; however creditor's counsel failed to ask whether debtor had any explanation for the failure to provide tax returns as requested and only asked whether debtor previously provided the tax returns to counsel.
10. Debtor's counsel provided the tax return well in advance of the confirmation hearing date scheduled for January 30, 2019; allowing the creditor ample time and opportunity to review said tax returns.
11. Debtor, through counsel, contemporaneously herewith filed a Motion to Enlarge Time to Produce Tax Return to Creditor.

WHEREFORE, Debtor prays that this Court deny the motion to dismiss and an order be made and entered herein extending to and until January 4th, 2019, the date by which debtor must produce tax returns to creditor as requested, and for such further and other relief as is just.

Respectfully submitted,

Respectfully submitted,

/s/ Jay Christian Dean

By Counsel

Date: January 4, 2019

/s/ Jacqueline W. Critzer, Esq.
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Certification of Service

I hereby certify that on January 9, 2019, a true copy of the foregoing Notice of Motion and Motion to Extend were mailed via first class mail or electronic mail to Carl Bates, Chapter 13 Trustee at PO Box 1819, Richmond, VA 23219, the United States Trustee at 701 E. Broad Street, Richmond, Virginia 23219 and to all necessary parties.

//s/ Jacqueline W. Critzer, Esq.
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